IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO. 3341 OF 2004

Sanjiva Anchanna Shetty ... Petitioner

Vs.

State of Maharashtra and Ors. Respondents

Mr. Pankaj Kansara for Petitioner.

Mr. K.R. Belosey, A.G.P. for Respondents.

CORAM : F.I. REBELLO,J.
DATED : DECEMBER 23, 2004

P.C.

. Rule. Heard forthwith.

. The Petitioner by the present petition, impugns the order of Respondent No. 3 dated 27.2.2004 and order passed by the Respondent No. 4 dated 16.9.2004. It is contended firstly that the application was rejected on the ground that the document was not supplied. It is contended that all the documents have been supplied and in these circumstances, that would disclose non application of mind. In so far as parking space, it is submitted that this court has taken a view that the ground cannot be taken in the city like Mumbai for rejecting the application as the packing space is always a problem. That leaves only issue of convictions of the Petitioner for allowing the premises open beyond the working hours. From the

record it will be seen that at least two of the offences would be within working hours. The last objection is that there has been objection by Shivlal Motilal Mansion Women's Welfare Committee. Copy of that objection has not been furnished to the Petitioner considering his contention that there was no such organisation. Considering the above, to my mind the ends of justice will be met if the impugned orders dated 27.2.2004 and 16.9.2004 are set aside and the matter is remanded back to the Respondent No. 3 for considering the matter afresh after making available to the petitioner any documents which they propose to rely upon which have not already been given to the Petitioner. Application be disposed of within eight weeks from today. Rule made absolute. No order as to cots. All parties to act on the copy of this order authenticated by the Associate.

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(F.I. REBELLO,J.)